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ORIGINAL

ECHO EXECUTIVE PARK, LI

15230 N. 75th Street, Suite 1010
Scottsdale, Arizona 85260
P) 480 385 6010 F) 480-385-6013

October 8, 2008

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Re: In The Matter of the Formal Complaint
Echo Executive Park LLC v. Arizona Public Service Company
Docket No. E-01345A-08-0268
To be Heard Before the Honorable Belinda A. Martin,
Administrative Law Judge

To Whom It May Concern:

Enclosed please find the List of Witnesses and Exhibits presented to Arizona Corporation Commission and to all Parties of Record ordered by the Procedural Order dated August 21, 2008 in reference to the Pre-Hearing Conference scheduled October 22, 2008 at 9:00am in the above-referenced matter. These Witnesses and Exhibits are intended for use during the Pre-Hearing Conference and the Hearing scheduled for November 5, 2008 at 10:00am as per the Procedural Order. Courtesy copies of this List of Witnesses and Exhibits will also be presented to Administrative Law Judge, Belinda Martin.

If there is any additional documentation or information required regarding this matter, please advise accordingly.

Thank you.

Sincerely,

Michael D. Brown
Managing Member

/jfc

Enc: As referenced

Arizona Corporation Commission
DOCKETED

OCT - 8 2008



AZ CORP COMMISSION
DOCKET CONTROL

2008 OCT - 8 PM 4:48

RECEIVED

Docket Control
Arizona Corporation Commission
October 8, 2008

**Copy of the Foregoing Hand Delivered
this 8th day of October, 2008 to:**

Belinda Martin
Administrative Law Judge
Hearing Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

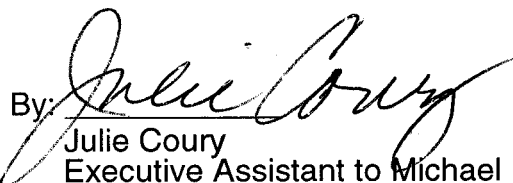
**Copies of the
foregoing mailed via
Certified Mail this 8th day of October, 2008 to:**

William Charles Thomson,
Esq. GALLAGHER &
KENNEDY, P.A. 2575 East
Camelback Road
Phoenix Arizona 85016

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION
COMMISSION 1200 W. Washington
Street
Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION
COMMISSION 1200 W. Washington
Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE,
INC. 2200 N. Central Avenue,
Suite 502
Phoenix, Arizona 85004-1481

By: 
Julie Coury
Executive Assistant to Michael D. Brown

COMPLAINANT: In the Matter of the Formal Complaint of Echo Executive Park, LLC; COMPLAINANT (EEP)

vs.

RESPONDENT: Arizona Public Service Company, RESPONDENT (APS)

DOCKET: E-01345A-08-0268

Time Sequence off

List of Witnesses and Exhibits

Witnesses:

- | | | |
|----|----------------|---|
| 1 | Deborah Reagan | Arizona Corporation Commission Public Utilities Consumer Analyst, Utilities Division |
| 2 | Kay Kilger | Arizona Corporation Commission, Supervisor, Docket Administrator |
| 3 | Melissa Smith | Arizona Public Service - Consumer Advocate 602-250-2280 |
| 4 | Kevin Torrey | Arizona Corporation Commission assigned June 3, 2008 - Legal Division |
| 5 | Ayesha Vohra | Arizona Corporation Commission assigned June 3, 2008 - Legal Division |
| 6 | Belinda Martin | Arizona Corporation Commission, Administrative Law Judge assigned June 6, 2008 - Hearing Division |
| 7 | Patty Gibson | Arizona Public Service Sr. Account Management Analyst |
| 8 | Jenny Vega | APS- 602-250-2038 |
| 9 | Ernest Johnson | ACC, Director - Utilities Division |
| 10 | Brian McNeil | ACC, Executive Director - Utilities Division |
| 11 | Wayne Holder | CFO, Echo Executive Park LLC |

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Exhibits:

- | | | |
|----|-------------------------|--|
| 1 | March 12, 2008 | Informal Complaint filed with Arizona Public Service with Complaint Process attached |
| 2 | March 12, 2008 6:24pm | E-Mail from Michelle Brown to Michelle Rauman regarding the Informal Complaint submittal and brief summary of events |
| 3 | April 15, 2008 5:24pm | E-Mail from Michelle Rauman to Docket Control - then Executive Assistant to Michael Brown - President/CEO of EEP requesting docket number |
| 4 | April 16, 2008 3:14pm | E-Mail from Michelle Rauman to Deborah Reagan regarding her assignment to the file |
| 5 | April 17, 2008 8:33am | E-Mail from Kay Kilger of ACC to Michelle Rauman regarding docket number and information regarding the Utilities Division of ACC |
| 6 | April 17, 2008 8:44am | E-Mail from Deborah Reagan to Michelle Rauman regarding the assignment of the Formal Complaint by her Manager and Mediation Process |
| 7 | April 17, 2008 8:50am | E-Mail from Michelle Rauman to Deborah Reagan regarding the mediation process and requesting further clarification |
| 8 | April 17, 2008 8:50am | E-Mail from Michelle Rauman to Michael Brown regarding mediation process discussion |
| 9 | April 17, 2008 3:09pm | E-Mail from Michelle Rauman to Deborah Reagan regarding Michael Brown's decision to file a formal Complaint in lieu of mediation |
| 10 | April 17, 2008 3:09pm | E-Mail from Deborah Reagan to Michelle Rauman in response to her request to file a Formal Complaint, fact that Ms. Reagan still has not completed her investigation, ACC website to review the Rules and Tariffs regarding the governing of utilities, and the process for filing a Formal Complaint website location |
| 11 | April 21, 2008 11:13am | E-Mail from Michelle Rauman to Deborah Reagan regarding status of investigation of complaint |
| 12 | May 13, 2008 7:36am | E-Mail from Deborah Reagan regarding conversation with Melissa Smith at APS regarding a telephonic on that afternoon and how Melissa Smith w |
| 13 | May 13, 2008 12:10pm | as not sure of needing a financial person to be included in call and Ms. Reagan's findings that after the first review (at 24 months after original connection date by APS of the service status) the next review is 12 months |
| 14 | May 13, 2008 12:13pm | E-Mail from Michelle Rauman to Deborah Reagan requesting a 3:00pm telephonic conference call with "everyone else concerned". |
| 15 | May 14, 2008 8:56am | E-Mail from Deborah Reagan to Michelle Rauman requesting mailing address for EEP and the coordination of the Formal Complaint Packet to be mailed no later than that Friday, May 16, 2008 |
| 16 | May 14, 2008 1:23pm | E-Mail from Michelle Rauman to Deborah Reagan with primary mailing address |
| 17 | May 15, 2008 | Letter from Deborah Reagan, ACC, with the Formal Complaint Package |
| 18 | May 20, 2008 1:33pm | E-Mail from Michael Brown to Michelle Rauman regarding Nature of Relief and Grounds for the Complaint |
| 19 | May 20, 2008 | Copy of Formal Complaint filed by Echo Executive Park with Arizona Corporation Commission with notation "5/27/08 - Arrived and picked-up by Az Corp Commission - Formal Complaint" Complaint No. 2008-67143 |
| 20 | June 4, 2008 | Notice filed with the Arizona Corporation Commission Docket No E01345A-08-0268 and Notice Given that Thomas L. Mumaw, Attorney for Respondent, will be appearing on behalf of Arizona Public Service Company and attesting that the original and thirteen (13) copies were filed with Docket Control, Arizona Corporation Commission and copies of the foregoing were mailed, hand-delivered, faxed and transmitted electronically to All Parties of Record and signed by "Norann Adulito" |
| 21 | June 20, 2008 | Notice given that Win Charles Thomson is appearing as co-counsel for Arizona Public Service in this matter with Certificate of Service regarding Notice served on all parties of record in this proceeding |
| 22 | June 20, 2008 | Answer to Formal Complaint filed before the Arizona Corporation Commission with responses to three (3) of EEP's Allegations |
| 23 | June 30, 2008 | Procedural Order signed by Belinda Martin, Administrative Law Judge regarding Pre-Hearing Conference on August 21, 2008 at 9:00am |
| 24 | July 28, 2008 | Facsimile cover sheet to Jenny Vega of Arizona Public Service with Profit & Loss Statements January 1, 2008 to July 28, 2008 |
| 25 | August 5, 2008 2:45pm | E-Mail from Michael Brown to Julian Fruhling at Legacy Bank of Arizona outlining the details of the Complaint filed against APS |
| 26 | August 7, 2008 | E-Mail from Julian Fruhling to Steve Wheeler, APS, regarding requesting help in getting the Formal Complaint routed to the person who can't make a reasonable decision". |
| 27 | August 14, 2008 1:15pm | Telephone Message from Jennie Vega, APS, advising she received the paperwork |
| 28 | August 16, 2008 11:53am | E-Mail from Jenny Vega to Michael Brown with Formal Complaint Settlement Proposal suggesting partial refund and re-examination of financials in April 2009 |
| 29 | August 21, 2008 | Procedural Order from Belinda Martin, Administrative Law Judge regarding Pre-Hearing Conference scheduled October 22, 2008 at 9:00am |
| 30 | September 17, 2008 | Letter to Docket Control Arizona Corporation Commission with Resolution of Members of Echo Executive Park as requested by Belinda Martin |

Arizona Corporation Commission Consumer Inquiry and/or Complaint Form

*This form may be completed electronically, printed and mailed to:
Arizona Corporation Commission, Consumer Services Section, 1200 W. Washington St.
Phoenix, Arizona 85007*

Step 1

Before submitting a complaint to the ACC please visit this [link](#) to determine if the Commission regulates this service. If the company is regulated, please contact the company first. If you have already contacted your utility and are not satisfied with its response, please fill out this form and return the address above.

Step 2

YOUR NAME Michael D. Brown	DATE 3/12/08
ADDRESS, CITY, STATE AND ZIP 15230 N. 75th Street, Suite 1010, Scottsdale, AZ 85260	PHONE (HOME) (602) 635-1128
NAME THAT APPEARS ON THE BILL Echo Executive Park, LLC	ALTERNATE PHONE (DAYTIME) (602) 635-1129
NAME OF THE UTILITY COMPANY Arizona Public Service (APS)	ACCOUNT NUMBER 254655287
E-MAIL ADDRESS mbrown@azlandgroup.com	CHECK HERE TO CONFIRM THAT YOU HAVE ALREADY CONTACTED THE UTILITY (SEE STEP 1) <input checked="checked" type="checkbox"/>

Step 3

PLEASE SUMMARIZE YOUR COMPLAINT OR INQUIRY: Please see attached form for complaint.
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Step 4

Please include copies of any documentation, such as bills, that our office would need to provide a response.

Arizona Corporation Commission – Summary of Complaint

March 12, 2008

To Whom It May Concern:

Please let this letter serve as a formal complaint against Arizona Public Service (APS).

Echo Executive Park, LLC owns a building located at 15230 N. 75th Street, Suite 1010, Scottsdale AZ 85260. Since our inception date of April 4, 2006, Echo Executive Park was required to post a bond in favor of APS in the amount of \$14,000. As a new entity that was understandable. Now with a two year credit history and no delinquencies, this bond is a needless cost to Echo without a reasonable explanation from APS. Echo does not appreciate these Gestapo tactics or extortion maneuvers from a company using its power as a sole utility provider to our building.

As set forth above, Echo Executive Park, LLC feels that this type of behavior warrants a formal complaint for unfair practices.

Please let us know if any further action is needed on Echo's part.

Michael Brown
Managing Member
Echo Executive Park, LLC

Michelle Rauman

From: Michael Brown
Sent: Wednesday, March 12, 2008 6:24 PM
To: Michelle Rauman
Subject: APS

DOCKET: E-01345A-08-0268
Exhibit 2

To whom it may concern :

This is a brief summary of a situation that has gone on for almost two years now and I would like to file a formal complaint again Arizona Public Service company (APS) as referenced in this letter. Echo Executive Park LLC owns a building located at 15230 N 75th ST Scottsdale AZ 85260, as such the company has been a customer of APS for almost two years with out ever missing a payment nor have been late on any of it's bills.

Echo Executive Park LLC has been a model customer as it related to it's payment history and a good credit risk. Sense Echo's inception in April 2006 Echo Executive Park was required to post a bond in favor of APS in the amount of \$14,000. As a new customer with this new entity that understandable. Now with a two year credit history and with no delinquencies, Echo is being extorted to continue our APS service with the demand for this bond, which in turn is a needless cost to Echo without any reasonable explanation.

Echo dose not appreciate these Gestapo tactics or extortion for service.

As set forth above Echo Executive Park LLC feel's that this type of behavior warrants a formal complain for unfair practices as a sole provider of power utilities to the building.

~~Please let this complaint serve a formal complaint regarding~~ this matter and if any further action on Echo's part is needed, please let us know.

Michael Brown
Managing member
Echo Executive Park LLC

3/13/2008

Sent: Tuesday, April 15, 2008 5:24 PM

To: MAILBOX E-docket

Subject: Find or obtain a docket number

Importance: High

DOCKET: E-01345A-08-0268

Exhibit 3

Hi,

My company (Echo Executive Park, LLC) filed a written complaint against APS on 3/12/08. Although APS called us and asked for information regarding this situation (which we provided) we have gotten nowhere after many conversations with them.

We would like to take the next step in filing a formal complaint but I cannot find our Docket Number. I'm not sure if you are automatically assigned one once you file the original complaint or if I need to obtain a docket number now before filing a formal complaint.

Can you please help me in taking the proper steps from this point?

Thank you in advance for your assistance.

Michelle Rauman

Assistant to Michael Brown

Echo Executive Park, LLC

602.635.1129 direct

5/20/2008

From: Michelle Rauman [mailto:mrauman@azlandgroup.com]
Sent: Wednesday, April 16, 2008 3:14 PM
To: Deborah Reagan
Subject: Echo Executive Park complaint against APS

DOCKET: E-01345A-08-0268
Exhibit 4

Page 2 of 2

Hi Deb,

It is my understanding that you are handling our complaint against APS.

We filed an informal complaint on 3/12/08; however after many discussions with APS we have not reached a satisfactory resolution. We would like to escalate the case to a formal complaint but I need some direction as to what the next step is.

We do not have a docket number. Are they automatically assigned once you file an informal complaint or do you obtain one once you decide to go forward with a formal complaint?

Please give me a call at your earliest convenience so you can help me correctly navigate the next steps in this process.

Thank you in advance for your help.

Michelle Rauman

Assistant to Michael Brown

Echo Executive Park, LLC

602.635.1129 direct

480.385.6013 fax

mrauman@azlandgroup.com

===== This footnote confirms that this email
message has been scanned to detect malicious content. If you experience problems, please e-mail
postmaster@azcc.gov =====

DOCKET: E-01345A-08-0268
Exhibit 5

Michelle Rauman

From: Kay Kilger [KKilger@azcc.gov] on behalf of MAILBOX E-docket [mailbox.edocket@azcc.gov]
Sent: Thursday, April 17, 2008 8:33 AM
To: Michelle Rauman
Cc: Util-ConsumerSvcs
Subject: RE: Find or obtain a docket number

Mr. Rauman -

I don't see a docket number was assigned to your original complaint. We will therefore assign one when the formal complaint is assigned. We require the original and thirteen copies. We will be happy to send you a date stamped copy for your records. Please indicate you would like one, along with an additional copy and self addressed, stamped envelope.

The number for our Utilities Department is (602) 542-4251. I have forwarded your information to them and they should be in contact. They can help you with the format and required information for a formal complaint, and answer any additional questions you might have about the process.

Please feel free to contact us if we can be of additional assistance.

Sincerely,

Kay Kilger
Arizona Corporation Commission
Docket Administrator
(602) 542-3477 / (602) 542-0464
kkilger@azcc.gov

From: Deborah Reagan [mailto:DReagan@azcc.gov]
Sent: Thursday, April 17, 2008 8:44 AM
To: Michelle Rauman
Subject: RE: Echo Executive Park complaint against APS

DOCKET: E-01345A-08-0268
Exhibit 6

Ms. Rauman -

I received your voice mail yesterday and this e-mail and the one you sent to Docket Control. I will contact you later today to provide the requested information. A formal complaint request needs to be assigned by my Manager.

You might inform Mr. Brown that mediation is the step between an informal and formal complaint. Both parties must agree to the mediation step. Please let me know if Mr. Brown is interested in mediation.

Deb Reagan
Public Utilities Consumer Analyst
Utilities Division
AZ Corporation Commission

From: Michelle Rauman
Sent: Thursday, April 17, 2008 8:50 AM
To: 'Deborah Reagan'
Subject: RE: Echo Executive Park complaint against APS

Deb,

I apologize for you getting bombarded with messages from us. I only found out yesterday afternoon that you were handling our case and all of the calls prior to that was my effort in trying to find out what my next step was.

Regarding the mediation process, if I am reading your website correctly, it says that the mediator will write a "non-binding decision". Does that mean that even if the mediator sides with Echo Executive Park that APS could still do nothing? If we do not agree to the mediation process, do we go directly to the Formal Complaint step?

I definitely believe that the mediation process is the way to go; I just want to understand exactly what you need from us to get that started.

Thanks so much for your assistance.

Michelle

From: Michelle Rauman
Sent: Thursday, April 17, 2008 8:57 AM
To: Michael Brown
Subject: FW: Echo Executive Park complaint against APS

Mike,
We need to talk about this when you have a minute, let me know

M

DOCKET: E-01345A-08-0268
Exhibit 9

Michelle Rauman

From: Michelle Rauman
Sent: Thursday, April 17, 2008 3:09 PM
To: 'Deborah Reagan'
Subject: RE: Echo Executive Park complaint against APS
Importance: High

Ms. Reagan,

I spoke to Michael Brown and he does not want to go to mediation. He wants to go directly to a formal complaint. He feels he has wasted too much time trying to work this out with APS already and they are completely unreasonable.

Please let me know what I need to do to get a docket number and begin the process of filing a formal complaint ASAP.

Thank you in advance for your assistance.

Michelle Rauman

Assistant to Michael Brown

Echo Executive Park, LLC

602.635.1129 direct

480.385.6013 fax

mrauman@azlandgroup.com

From: Deborah Reagan [mailto:DReagan@azcc.gov]
Sent: Monday, April 21, 2008 11:13 AM
To: Michelle Rauman
Subject: RE: Echo Executive Park complaint against APS

DOCKET: E-01345A-08-0268
Exhibit 10

Michelle -

I received your e-mail and voice mail that Mr. Brown does not want to mediate this complaint and wants to go forward with a formal complaint.

Please advise Mr. Brown that I have not yet completed my investigation of his informal complaint. It should be complete this week. I am still gathering information from APS in order to determine if APS is in compliance with the Arizona Administrative Code Rules and the approved tariffs in Mr. Brown's case.

If he wants to review these Rules or tariffs, they are available on the Commission website at www.azcc.gov/divisions/utilities/electric/rules-electric1.asp. The AAC Rule is R14-2-203.B.6 and 7 which allows for a nonresidential deposit not to exceed 2 1/2 times the estimated maximum monthly bill and for the utility to review the account after service is connected and adjust the deposit based on the actual usage.

The APS approved tariff in Schedule 1, 2.6.2 and 2.7.7, allows APS to review a nonresidential account after 24 months of service. If Mr. Brown has new financials that he would like to have considered, I will review them.

The process for a formal complaint is also explained on our website and can be found at www.azcc.gov/divisions/utilities/consumerservices.asp. Upon completion of my investigation, should Mr. Brown decide to file a formal complaint, a packet will be sent to him.

Deb Reagan
Public Utilities Consumer Analyst
Utilities Division
AZ Corporation Commission

DOCKET: E-01345A-08-0268
Exhibit 11

Michelle Rauman

From: Michael Brown
Sent: Thursday, April 17, 2008 4:10 PM
To: Michelle Rauman
Subject: RE: Echo Executive Park complaint against APS

No mediation, lets go to a complaint?

From: Michelle Rauman [mailto:mrauman@azlandgroup.com]
Sent: Tuesday, May 13, 2008 7:36 AM
To: Deborah Reagan
Subject: FW: Echo Executive Park complaint against APS
Importance: High

5-13-08 (#3)

Hi Deb,

We have not heard anything regarding the investigation of our complaint. Can you please let me know where we are in this process?

Thanks,

Michelle Rauman
Echo Executive Park, LLC
602-635-1129

From: Deborah Reagan [mailto:DReagan@azcc.gov]
Sent: Tuesday, May 13, 2008 12:10 PM
To: Michelle Rauman
Subject: RE: Echo Executive Park complaint against APS

DOCKET: E-01345A-08-0268
Exhibit 13

Michelle -

I just spoke with Melissa Smith at APS. This afternoon is OK for both of us, but she's not certain about a finance person. She'll get back to me.

I did find out that after the first 24 month review, the next review would be in 12 months.

Deb Reagan

From: Michelle Rauman [mailto:mrauman@azlandgroup.com],
Sent: Tuesday, May 13, 2008 12:13 PM
To: Deborah Reagan
Subject: RE: Echo Executive Park complaint against APS

Deb,

Thank you for getting that info. I appreciate it.

3:00 works really well for Mike if that works for everyone else concerned. Just let me know.

Thanks again for all of your help in this matter.

Michelle

DOCKET: E-01345A-08-0268
Exhibit 15

Michelle Rauman

From: Deborah Reagan [DReagan@azcc.gov]
Sent: Wednesday, May 14, 2008 8:56 AM
To: Michelle Rauman
Subject: RE: Echo Executive Park complaint against APS

Good morning, Michelle -

Could you provide me the correct mailing address for Mr. Brown. The only address I have is for Echo Executive Park, LLC and I'm not sure if that is also his mailing address.

I told him yesterday that I would coordinate the mailing of the Formal Complaint packet with you. I will let you know as soon as it is mailed. It will be in the mail no later than this Friday.

Thanks for all your help -

Deb Reagan

DOCKET: E-01345A-08-0268
Exhibit 16

Michelle Rauman

From: Michelle Rauman
Sent: Wednesday, May 14, 2008 1:23 PM
To: 'Deborah Reagan'
Subject: RE: Echo Executive Park complaint against APS

emad (# 5)
5-14-08

Hi Deb,

Yes, the Echo Executive Park is his primary mailing address. 15230 N. 75th Street, Suite 1010 Scottsdale, AZ 85260

Thank you for your help in this matter. I really appreciate it.

Michelle

DOCKET: E-01345A-08-0268
Exhibit 17

COMMISSIONERS
MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE



BRIAN C. McNEIL
Executive Director

ARIZONA CORPORATION COMMISSION

May 15, 2008

Michael D. Brown
Echo Executive Park, LLC
15230 N. 75th Street, Suite 1010
Scottsdale, AZ 85260

Dear Mr. Brown:

Enclosed is the Formal Complaint form(s) and filing procedure you requested. Please read the enclosed Formal Complaint Procedure before filling in any information. A Consumer Service Analyst has entered your Complaint Number 2008-67143 on the formal form as noted in step A of the procedure. All information should be either typed or written in ink. Please complete the form(s) as instructed in the procedure.

A copy of your Formal Complaint will be sent to the utility company for a response within twenty (20) days. At that time, an Administrative Law Judge will determine if the matter is ready for hearing. If so, a procedural order will be issued setting a hearing date. If you have any questions concerning the instructions for filing a Formal Complaint, please contact the Commission at (602) 542-4251 or the Commission's Docket Control at (602) 542-3477.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah Reagan".

Deborah Reagan
Public Utilities Consumer Analyst
Utilities Division

Enclosure (4)

cc:



ARIZONA CORPORATION COMMISSION

Filing Requirements

ALL FILINGS REQUIRE

- 1.) An original + 13 copies
- 2.) The Docket number **MUST** be on all copies of the filing [to include the Cover Sheet].
 - a) The exception is a New Application.
- 3.) All copies must be properly collated.
 - a) Please do not send stacks of documents for Docket to collate.
- 4.) No confidential or proprietary information will be docketed.
 - a) If you must file confidential information, you must make prior arrangements with the Hearing or Legal Division(s).
 - b) It is also the filing parties' responsibility to remove or redact any personal information that would not be appropriate for public view.
- 5.) All documents must be filed on 8-1/2" x 11" paper – **NO EXCEPTIONS.**
(Additional copies to be distributed to parties may be larger if necessary, please contact Docket Control 602-542-3477 for more information.)
- 6.) If the filing is for an existing Docket, the filing party must mail the filed document to ALL parties on the Service List (see E-Docket for copy of Service List).

COVER SHEETS ARE NO LONGER REQUIRED

If you have any questions concerning the filing of documents please contact Docket Control at (602) 542-3477.

FORMAL COMPLAINT FILING PROCEDURE

- A. Customer Service Section enters complaint number.
- B. The complaint shall be in writing containing the name and address of the person or entity filing the complaint (Complaint). If necessary, use additional pages provided.
- C. The complaint shall list the name of utility company or person whom the complaint was made against.
- D. The Complaint shall be a COMPLETE statement indicating the date or dates of actions transpired, along with all related documentation associated with the complaint.
- E. The complaint shall describe in detail the nature of relief sought.
- F. The Complaint should be signed by either:
 - 1. Complainant, or,
 - 2. One of the Complainants if more than one, or,
 - 3. The Officer of the Complainant, if Complainant is a corporation, association, or other organization, or for the Complainant by an agent or attorney. (If by attorney, his name and address shall appear in the complaint and he shall sign the complaint).
- G. The original and thirteen (13) copies of formal documents, including the complaint, shall be filed with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
- H. Docket Control will send one of the copies by certified mail to the utility company that the complaint is made against.
- I. An answer or response to the complaint is required to be made by the utility to the Commission within twenty (20) days after the date the complaint is filed with the Commission.
- J. All testimony considered by the Commission in formal hearings shall be under oath, except matter of which judicial notice is taken or entered by stipulation.
- K. Complainants carry the burden of proof. The Complainant must provide evidence as to the Rules, Statutes, and/or Tariffs that they believe the utility company has violated.

Michelle Rauman

From: Michael Brown
Sent: Tuesday, May 20, 2008 4:40 PM
To: Michelle Rauman
Subject: RE: APS complaint

From: Michelle Rauman
Sent: Tuesday, May 20, 2008 3:46 PM
To: Michael Brown
Subject: RE: APS complaint

From: Michael Brown
Sent: Tuesday, May 20, 2008 1:33 PM
To: Michelle Rauman
Subject: APS complaint

DOCKET: E-01345A-08-0268
Exhibit 18

Nature of relief

Echo Executive Park LLC is seeking relief from the burden of a requirement to have a bond to receive power from APS.

Grounds for the complaint:
Arizona Corporation commission

To Whom it may concern:


On March 12 2008 Echo Executive Park LLC filed a formal written complaint with the corporation commission against Arizona Public Service corporation for unfair and unreasonable business practices. (A copy of which is enclosed). Once the complaint was filed a Deb Regan contacted Echo to discuss the matter. Shortly there after a Melissa from ASP Contacted Echo to discuss the matter. After speaking with Melissa a number of times I came to the conclusion that she was not consistent in her story or policy about the requirements for customers to post bonds for services with APS in addition after sending the company balance sheet and income statement I was convinced that she nor ASP could read Echo's Balance sheet and income statement. APS is demanding that Echo Executive Park LLC post a bond/letter of credit in order to provide service to the building. APS has taken the position that Echo dose not meet ASP's requires to forgo the bond requirement, but Echo has an impeccable tow year credit history, it has never been late on it's monthly payments and has \$4 million dollar equity position in this property. Echo has requested that APS articulate it's analysis as defined by them, they have failed to do so at this point in time. *Regan*

Echo Executive Park is filing this complaint for unfair and unnecessary business practices from a Utilizes/ monopoly company. It seems that APS 's unwillingness to logically or consistent ly answer to the question relative to the requirements that are need to remove a bond for receiving services from APS. Echo is requesting a formal hearing on this matter to resolve this issue between the two companies, What Echo is seeking is only that this Monopoly be consistent with public policy in it's business practices and that if they wish to require a bond then APS pay for this unreasonable demand?

I would also request sanctions be imposed on APS for there Gestapo like tactics for small business.

5/20/2008

**ARIZONA CORPORATION COMMISSION
FORMAL COMPLAINT FORM**

COMPLAINT APS Refusal to release \$14,000 Bond		COMPLAINT NUMBER 2008-67143	DATE May 20, 2008
ADDRESS 15230 N. 75th Street, Suite 1010, Scottsdale, AZ 85260		PHONE (HOME) 480-688-2900	
NAME OF RESPONSIBLE PARTY Echo Executive Park, LLC		PHONE (WORK) 480-829-7190	
NAME OF UTILITY Arizona Public Service (APS)		ACCOUNT NUMBER 254655287	
GROUNDS FOR COMPLAINT: (COMPLETE STATEMENT OF THE GROUNDS FOR COMPLAINT. INDICATING DATE(S) OF COMMISSION/OMISSION OR ACTS OR THINGS COMPLAINED OF.) (USE ADDITIONAL PAGE IF NECESSARY.)			
<p>On March 12, 2008, Echo Executive Park, LLC filed a written complaint with the Arizona Corporation Commission against Arizona Public Service (APS) citing unfair and unreasonable business practices (see attached copy). Shortly after the complaint was filed, Melissa Smith contacted Echo to discuss the matter. After speaking with Ms. Smith on a number of occasions, it became clear due to inconsistencies when citing policies, that she was unclear regarding requirements for posting/releasing bonds/letter of credit for service with APS. Although APS has taken the position that Echo does not meet the requirements to release the bond, we feel this situation warrants further investigation. Additionally, we feel that a review of Echo's balance sheet and income statement (by someone with a clearer understanding of these documents) in conjunction with Echo's impeccable two-year credit history with no delinquent payments and a 4 million dollar equity position in this property will yield a result in favor of Echo's position. To date, after repeated requests and subsequent denial of those requests, APS has not provided Echo with an articulate analysis of their refusal to release this unnecessary bond and subsequent needless cost to Echo Executive Park. Additionally, Echo is requesting a formal hearing to resolve this issue between the two companies and to require APS be consistent and adhere to public policy in its practices. I am also requesting that sanctions be imposed on APS for their Gestapo like tactics against a small business.</p>			
NATURE OF RELIEF SOUGHT: (USE ADDITIONAL PAGE IF NECESSARY.)			
<p>Echo Executive Park, LLC is seeking relief from the burden of the cost of the bond/letter of credit requirement to receive power from APS.</p>			
SIGNATURE OF COMPLAINANT OR ATTORNEY			
			

Arizona Corporation Commission Consumer Inquiry and/or Complaint Form

This form may be completed electronically, printed and mailed to:

Arizona Corporation Commission, Consumer Services Section, 1200 W. Washington St.
Phoenix, Arizona 85007

Step 1

Before submitting a complaint to the ACC please visit this [link](#) to determine if the Commission regulates this service. If the company is regulated, please contact the company first. If you have already contacted your utility and are not satisfied with its response, please fill out this form and return the address above.

Step 2

YOUR NAME Michael D. Brown	DATE 3/12/08
ADDRESS, CITY, STATE AND ZIP 15230 N. 75th Street, Suite 1010, Scottsdale, AZ 85260	PHONE (HOME) (602) 635-1128
NAME THAT APPEARS ON THE BILL Echo Executive Park, LLC	ALTERNATE PHONE (DAYTIME) (602) 635-1129
NAME OF THE UTILITY COMPANY Arizona Public Service (APS)	ACCOUNT NUMBER 254655287
E-MAIL ADDRESS mbrown@azlandgroup.com	CHECK HERE TO CONFIRM THAT YOU HAVE ALREADY CONTACTED THE UTILITY (SEE STEP 1) <input checked="checked" type="checkbox"/>

Step 3

PLEASE SUMMARIZE YOUR COMPLAINT OR INQUIRY: Please see attached form for complaint.
--

Step 4

Please include copies of any documentation, such as bills, that our office would need to provide a response.

Arizona Corporation Commission – Summary of Complaint

March 12, 2008

To Whom It May Concern:

Please let this letter serve as a formal complaint against Arizona Public Service (APS).

Echo Executive Park, LLC owns a building located at 15230 N. 75th Street, Suite 1010, Scottsdale AZ 85260. Since our inception date of April 4, 2006, Echo Executive Park was required to post a bond in favor of APS in the amount of \$14,000. As a new entity that was understandable. Now with a two year credit history and no delinquencies, this bond is a needless cost to Echo without a reasonable explanation from APS. Echo does not appreciate these Gestapo tactics or extortion maneuvers from a company using its power as a sole utility provider to our building.

As set forth above, Echo Executive Park, LLC feels that this type of behavior warrants a formal complaint for unfair practices.

Please let us know if any further action is needed on Echo's part.

Michael Brown
Managing Member
Echo Executive Park, LLC

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE



In the Matter of the Formal Complaint
Against Arizona Public Service Company
Filed by Echo Executive Park, LLC.

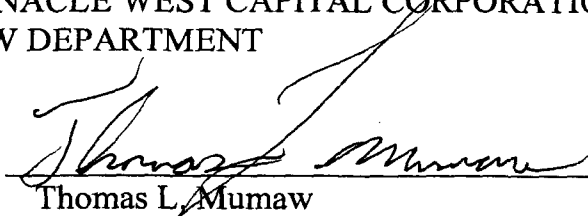
DOCKET NO. E-01345A-08-0268

Notice is hereby given that Thomas L. Mumaw will be appearing on behalf of
Arizona Public Service Company in the above-captioned matter.

RESPECTFULLY SUBMITTED this 4th day of June, 2008.

PINNACLE WEST CAPITAL CORPORATION
LAW DEPARTMENT

By:


Thomas L. Mumaw

Attorney for Arizona Public Service Company

ORIGINAL and thirteen (13) copies
of the foregoing filed this 4th day of
June, 2008, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

AND copies of the foregoing mailed, hand-delivered,
faxed or transmitted electronically this 4th day of
June, 2008 to:

All Parties of Record



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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE



In the Matter of the Formal Complaint
Against Arizona Public Service Company
Filed by Echo Executive Park, LLC.

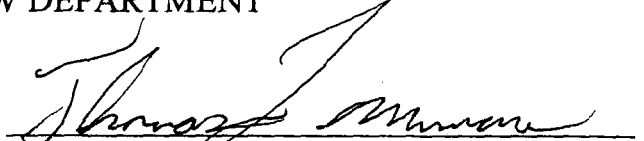
DOCKET NO. E-01345A-08-0268

Notice is hereby given that Thomas L. Mumaw will be appearing on behalf of
Arizona Public Service Company in the above-captioned matter.

RESPECTFULLY SUBMITTED this 4th day of June, 2008.

PINNACLE WEST CAPITAL CORPORATION
LAW DEPARTMENT

By:


Thomas L. Mumaw

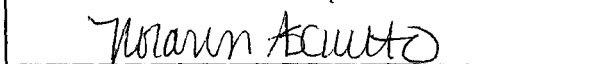
Attorney for Arizona Public Service Company

ORIGINAL and thirteen (13) copies
of the foregoing filed this 4th day of
June, 2008, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

AND copies of the foregoing mailed, hand-delivered,
faxed or transmitted electronically this 4th day of
June, 2008 to:

All Parties of Record



E-01345A-08-0268 Search

Docket	Documents	Decisions	Case Schedule	Staff Assigned	Service List	Linked Dockets
---------------	------------------	------------------	--------------------------	---------------------------	---------------------	---------------------------

[Back](#)**Staff Assigned:**

Name	Area	Assigned
Reagan	Utilities	6/2/2008
Torrey, Kevin	Legal	6/3/2008
Vohra, Ayesha (Lead)	Legal	6/3/2008
Belinda Martin	Hearing	6/6/2008

BEFORE THE ARIZONA CORPORATION COMMISSION
RECEIVED

COMMISSIONERS

2008 JUN 20 P 2:49

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

AZ CORP COMMISSION
DOCKET CONTROL

In the Matter of the Formal Complaint
Against Arizona Public Service Company
Filed by Echo Executive Park, LLC.

DOCKET NO. E-01345A-08-0268

NOTICE OF APPEARANCE

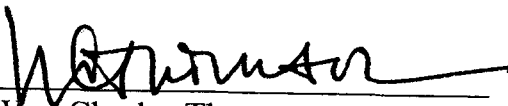
Notice is hereby given that counsel identified below appears in this action as
co-counsel for Respondent Arizona Public Service Company:

Wm. Charles Thomson
2575 East Camelback Road
Phoenix, Arizona 85016-9225
(602) 530-8000

RESPECTFULLY SUBMITTED this 20 day of June, 2008.

GALLAGHER & KENNEDY, P.A.

By


Wm. Charles Thomson
2575 East Camelback Road
Phoenix, Arizona 85016-9225

and

Thomas L. Mumaw
Pinnacle West Capital Corporation
Law Department
Co-Counsel for Arizona Public Service
Company

ORIGINAL AND 13 COPIES of the foregoing
Notice of Appearance filed with the Arizona
Corporation Commission this 20 day of June,
2006.


CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing Notice of Appearance to be served on all parties of record in this proceeding by mailing a copy thereof, properly addressed with first-class postage, to:

Mr. Michael D. Brown
Echo Executive Park, LLC
15230 N. 75th Ave., Ste. 1010
Scottsdale Arizona 85260

DATED at Phoenix, Arizona, this 20 day of June, 2008.

GALLAGHER & KENNEDY, P.A.

By 
Wm. Charles Thomson
2575 East Camelback Road
Phoenix, Arizona 85016-9225
and
Thomas L. Mumaw
Pinnacle West Capital Corporation
Law Department
Co-Counsel for Arizona Public Service
Company

RECEIVED

2008 JUN 20 P 2:48

AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

**MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE**

**In the Matter of the Formal Complaint
Against Arizona Public Service Company
Filed by Echo Executive Park, LLC.**

DOCKET NO. E-01345A-08-0268

ANSWER TO FORMAL COMPLAINT

For its Answer to Complainant's Formal complaint, Respondent Arizona Public Service Company ("APS") admits, denies and alleges as follows:

- 1. On March 12, 2008, Echo Executive Park, LLC filed a written complaint with the Arizona Corporation Commission (ACC) against Arizona Public Service (APS) citing unfair and unreasonable business practices. Shortly after the complaint was filed, Melissa Smith contacted Echo to discuss the matter. After speaking with Ms. Smith on a number of occasions, it became clear due to inconsistencies when citing policies, that she was unclear regarding the requirements for posting/releasing bonds/letter of credit for service with APS.*

APS Response to Allegation No. 1:

APS is currently holding an Irrevocable Letter of Credit for Echo Executive Park, LLC in the amount of \$14,275.00.

Prior to filing the written, formal Complaint with the ACC, Echo Executive Park, LLC contacted APS' Business Customer Service department on January 23, 2008, and

requested that APS release the irrevocable letter of credit securing the account. APS requested Echo Executives present a financial statement for review.

On January 24, 2008, APS received a financial statement prepared by Echo Executive Park, LLC.

Patty Gibson, APS Sr. Account Management Analyst, reviewed Echo Executive Park, LLC's financial statement on January 31, 2008. APS then contacted Echo Executive Park and advised the company's representative that after reviewing the company's financial statement, APS determined it would need to retain the deposit as security for the account.

On March 18, 2008 Echo Executive Park, LLC filed an informal complaint with the ACC. This complaint was referred to Melissa Smith, APS Consumer Advocate, on the same day. Ms. Smith contacted Mr. Michael Brown, Managing Member for Echo Executive Park, LLC, on March 25, 2008 to discuss his concerns and advised him APS would conduct a second review of the financial statement according to the guidelines set forth in Service Schedule 1, Terms and Conditions for Standard Offer and Direct Access Services, 2.6.2. *(Non-residential - Company may require a non-residential customer to establish or re-establish a security deposit if the customer becomes delinquent in the payment of two (2) or more bills within a **twelve (12)** consecutive month period or if the customer has been disconnected for non-payment during the last twelve (12) months, or when the customer's financial condition may jeopardize the payment of their bill, as determined by Company based on the results of using a credit scoring worksheet. Company will inform all customers of the Arizona Corporation Commission's complaint process should the customer dispute the deposit based on the financial data.)* (Emphasis added.)

Ms. Smith spoke with Michael Brown on April 4, 2008 and again on May 13, 2008 and explained why APS would need to retain the irrevocable letter of credit as a security deposit for the account. Details of her explanation can be found in APS' response to allegation #2.

2. *Although APS has taken the position that Echo does not meet the requirements to release the bond, we feel this situation warrants further investigation. Additionally, we feel that a review of Echo's balance sheet and income statement (by someone with a clearer understanding of these documents) in conjunction with Echo's impeccable two-year credit history with no delinquent payments and a 4 million dollar equity position in this property will yield a result in favor of Echo's position.*

APS Response to Allegation No. 2:

APS does not dispute that Echo Executive Park, LLC bills have been paid in a timely manner since the account was established on April 4, 2006.

CASH
The documents financial review shows that Echo Executive Park, LLC has current assets of \$66,365.87. The current liabilities (\$8,100,606.79) far exceed their current assets. Echo Executives' financial statement also shows a negative net income of -\$439,710.73.

APS representatives have advised Mr. Brown that APS does not consider "property or land" as liquid assets, as this type of asset cannot be easily turned into cash. Therefore, businesses that rely on this type of asset are not eligible for a deposit refund.

The current deposit held for this account is below the amount allowed by APS' Service Schedule 1, Terms and Conditions for Standard Offer and Direct Access Services, 2.7.7 (*Nonresidential security deposits shall not exceed two and one-half (2-1/2) times the customer's maximum monthly billing as estimated by Company for the service being provided by Company.*)

APS did take into consideration the payment history of Echo Executives Park, LLC and agreed to waive an additional deposit of \$4,260.00 that could be required to secure the account in full.

3. ***To date, after repeated requests and subsequent denial of those requests, APS has not provided Echo with an articulate analysis of their refusal to release this unnecessary bond and subsequent needless cost to Echo Executive Park.***

APS Response to Allegation No. 3

APS has provided the above information to Echo Executive Park, LLC and the ACC on several occasions. Ms. Gibson advised the company's CFO Wayne Holder on February 1, 2008, and Ms. Smith advised Mr. Brown during her conversations with him on April 4, 2008 and May 13, 2008. APS has also offered to consider new financial statements if presented.

4. ***Additionally, Echo is requesting a formal hearing to resolve this issue between the two companies and to require APS be consistent and adhere to public policy in its practices. I am also requesting that sanctions be imposed on APS for their Gestapo-like tactics against a small business.***

APS Response to Allegation No. 4

[The matrix used by APS to consider the financial stability for businesses has been in use for over fifteen years. To be fair and consistent to all customers, APS considers the following; 1) the current payment history of the business, 2) the business rating from Dunn & Bradstreet, 3) the business's return on equity and 4) the business's current liabilities.

These combined factors determine if a deposit is to be retained by APS. Additionally, generally accepted accounting principles do not consider the "fair market value" on properties due to fluctuations in value.

Despite the allegations put forth by Mr. Brown on behalf of Echo Executive Park LLC, APS has fully considered this matter and provided specific and detailed information regarding the decision to continue requiring a security deposit for the account in question.

In addition, APS moves to strike the impertinent and scandalous matter contained in this allegation.

WHEREFORE, Respondent Arizona Public Service Company requests a declaration from the Arizona Corporation Commission dismissing Complainant's Formal Complaint with prejudice without relief being granted to Complainant.

DATED this 20 day of June, 2008.

GALLAGHER & KENNEDY, P.A.

By 

Wm. Charles Thomson
2575 East Camelback Road
Phoenix, Arizona 85016-9225

and

Thomas L. Mumaw
Pinnacle West Capital Corporation
Law Department
Co-Counsel for Arizona Public Service
Company

ORIGINAL AND 13 COPIES of the foregoing
Answer to Formal Complaint filed with the
Arizona Corporation Commission this 20
day of June, 2006.

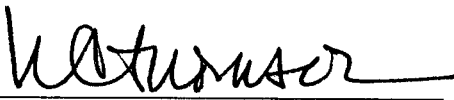
CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing Answer to Formal Complaint to be served on all parties of record in this proceeding by mailing a copy thereof, properly addressed with first-class postage, to:

Mr. Michael D. Brown
Echo Executive Park, LLC
15230 N. 75th Ave., Ste. 1010
Scottsdale Arizona 85260

DATED at Phoenix, Arizona, this 20 day of June, 2008.

GALLAGHER & KENNEDY, P.A.

By 

Wm. Charles Thomson
2575 East Camelback Road
Phoenix, Arizona 85016-9225

and

Thomas L. Mumaw
Pinnacle West Capital Corporation
Law Department
Co-Counsel for Arizona Public Service
Company

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

IN THE MATTER OF THE FORMAL
COMPLAINT OF ECHO EXECUTIVE PARK,
LLC,

COMPLAINANT,

vs.

ARIZONA PUBLIC SERVICE COMPANY,

RESPONDENT.

DOCKET NO. E-01345A-08-0268

PROCEDURAL ORDER

BY THE COMMISSION:

On May 27, 2008, Echo Executive Park, LLC ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Complaint ("Complaint") against Arizona Public Service Company ("Respondent").

On June 20, 2008, the Respondent filed with the Commission its Answer to the Complaint.

IT IS THEREFORE ORDERED that a **Pre-Hearing Conference** shall commence on **August 21, 2008 at 9:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, Room 218, 400 West Congress, Tucson, Arizona, 85701. **The parties may appear telephonically. The telephone number to so participate is ⁶⁰²⁻⁷⁷¹⁻⁹⁹⁵⁶ ~~(602) 771-9956~~. Parties may contact the Commission's Hearing Division at (602) 542-4250 for instructions on participating telephonically.**

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and admission *pro hac vice*.

... Do not call prior to 9am - phone will
... be unanswered.
...

1 ...

2 IT IS FURTHER ORDERED that that the Presiding Officer may rescind, alter, amend, or
3 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
4 hearing.

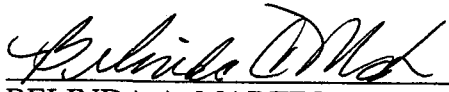
5 DATED this 30th day of June, 2008.

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BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed
11 this 30th day of June, 2008 to:

12

13

Michael D. Brown
ECHO EXECUTIVE PARK, LLC
15230 North 75th Avenue, Suite 1010
Scottsdale, Arizona 85260

14

15

William Charles Thomson, Esq.
GALLAGHER & KENNEDY, P.A.
2575 East Camelback Road
Phoenix Arizona 85016

16

17

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

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Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

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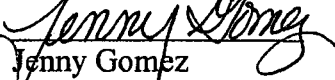
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ARIZONA REPORTING SERVICE, INC.
2200 N. Central Avenue, Suite 502
Phoenix, Arizona 85004-1481

24

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By: 
Jenny Gomez
Secretary to Belinda A. Martin

27

28

Michael D. Brown

FACSIMILE TRANSMISSION

DATE: 7/28/08
TO: JENNIE VEGA A.P.S.
FAX NO.: 602-250-2048
FROM: MICHAEL BROWN
NUMBER OF SHEETS FOLLOWING COVER SHEET: 2

If you do not receive all pages indicated, please contact us at
(480) 829-7190.

COMMENTS:

P/L 01/01/2008 - 7/28/2008.

____ Original will not follow

Original will follow via:

____ Regular Mail

____ Federal Express

____ Overnight Mail

Echo Executive Park, LLC
2008 Profit And Loss
For 01/01/2008 To 7/28/2008

<u>Depreciation Expense</u>	
Depreciation Expense - Office Building	59,313.84
Depreciation Expense - Tenant Improvements	2,146.98
Depreciation Expense - Building Improvements	2,230.08
Depreciation Expense - Building Equipment	2,857.44
Total Depreciation Expense	66,548.34
<u>Amortization of Intangible Assets</u>	
Amortization Expense - Loan Costs	7,421.88
Amortization Expense - Lease Commissions	3,690.30
Total Amortization of Intangible Assets	11,112.18
Total Operating Expenses	502,181.70
Net Profit	(69,228.23)
<u>Gain/Loss on Asset Disposal</u>	
	0.00
<u>Other Income</u>	
Miscellaneous Income	50.00
Total Other Income	50.00
<u>Other Expenses</u>	
Total Other Expense	0.00
Net Income Before Taxes	(69,178.23)
Income Tax Expense	
Total Income Tax Expense	0.00
Net Income	(69,178.23)
Addback:	
Management Fees - Office Building ¹	14,983.15
Partner Interest Expense (AZ Land NP) ²	39,052.00
Partner Interest Expense (Sweetheart Prop) ²	1,708.00
Partner Interest Expense (MDB Investments) ²	5,310.00
Depreciation Expense - Office Building ³	59,313.84
Depreciation Expense - Tenant Improvements ³	2,146.98
Depreciation Expense - Building Improvements ³	2,230.08
Depreciation Expense - Building Equipment ³	2,857.44
Amortization Expense - Loan Costs ³	7,421.88
Amortization Expense - Lease Commissions ³	3,690.30
Income Prior to Book Entries	69,535.44

¹Management Fees - Office Building are paid directly to an entity entirely owned by the same owner of Echo Executive Park, LLC

²Partner Interest Expense is not paid out of cashflows derived from Echo Executive Park, LLC Operations as these are "book" entries for capital contributions loaned to the Entity by its owners.

³Depreciation and Amortization Expense are not cashflow "drain" items

2007 Monthly Average Utility Bill	4,525.83
2008 YTD Monthly Average Utility Bill	3,996.05

Echo Executive Park, LLC
2008 Profit And Loss
For 01/01/2008 To 7/28/2008

	<u>YTD</u>
<u>Sales</u>	
Office Rental Income	200,991.57
Hangar Rental Income	178,237.78
Parking Rental Income	4,398.33
Fuel Farm Income	29,147.95
Late Fees	5,073.43
Utility Reimbursement	3,386.25
Operating Expense Recovery	9,448.16
Insurance Recovery	945.00
Property Tax Recovery	1,325.00
	<hr/>
Gross Sales	432,953.47
<u>Sales Returns and Discounts</u>	
Total Sales Returns and Discounts	<hr/> 0.00
Net Sales	432,953.47
<u>Cost of Goods Sold</u>	
Total Cost of Goods Sold	<hr/> 0.00
Gross Profit on Sales	432,953.47
<u>Operating Expenses</u>	
<u>Selling Expense</u>	
Lease Commission Expense	1,347.43
Keys	429.96
Building Supplies	3,818.38
Licenses, Permits and Fees	485.00
Postage	10.42
House Electric	27,972.35
Water & Sewer	3,021.15
Trash	1,590.09
Pest Control	1,100.00
Bulbs & Ballasts	462.29
Phone - Elevator	286.72
Building Repairs & Maintenance	18,693.91
Elevator Repairs & Maintenance	1,121.68
HVAC Repairs & Maintenance	6,205.23
Janitorial	3,534.96
Janitorial Supplies	1,994.38
Landscaping	4,760.00
Misc Repairs & Maintenance	105.96
Management Fees - Office Building	14,983.15
Miscellaneous Expense	2.91
	<hr/>
Total Selling Expense	91,925.97
<u>Administrative Expense</u>	
Legal Fees	341.40
Fuel Farm Management	2,695.86
Other Professional Services	1,320.00
Liability Insurance - Office Building	11,662.79
Hangar Repairs / Maintenance	1,741.21
Fuel Farm Repairs and Maintenance	6,820.19
	<hr/>
Total Administrative Expense	24,581.45
<u>Interest Expense</u>	
Interest Expense - AZ Land NP	39,052.00
Interest Expense - Sweetheart Properties DBPP	17,108.00
Interest Expense - MDB Investments	5,310.00
Interest Expense - Midfirst	214,954.48
	<hr/>
Total Interest Expense	276,424.48
<u>Tax Expense</u>	
Real Estate Tax Expense - Building	<hr/> 31,589.28
Total Tax Expense	31,589.28

Julie Coury

From: Michael Brown
Sent: Thursday, August 07, 2008 3:16 PM
To: Wayne Holder
Cc: Julie Coury
Subject: FW: APS.

FYI

From: Julian Fruhling [mailto:julianfr@legacybankaz.com]
Sent: Thursday, August 07, 2008 3:06 PM
To: Steve.Wheeler@aps.com
Subject: Fw: APS.

DOCKET: E-01345A-08-0268
Exhibit 26

Hi Steve, Mike Brown is one of our good clients at Legacy Bank and on my Advisory Board. He told me about the challenges he has been going through with APS and I would ask for your help getting this routed to the correct person who can make a reasonable decision. Litigation is just going to cost everyone money. Mike's # is 480-829-7190 thx Julian

DOCKET: E-01345A-08-0268
Exhibit 25

----- Forwarded by Julian Fruhling/Group on 08/07/2008 02:34 PM

"Michael Brown"
 <mbrown@azlandgroup.com>

To "Julian Fruhling" <julianfr@legacybankaz.com>
 cc

Subject APS.

08/05/2008 02:45 PM

Julian,

Here is the readers digest version of the my APS issue at my office Echo Executive Park LLC. I have owned the building for over two years. The building address is 15230 N 75 th Street Scottsdale AZ 85260.

APS is requiring Echo to post a irrevocable letter of credit in the amount of \$14,000 in favor of APS. APS claims that Echo is a credit risk and that is why APS is mandating this deposit. I have asked for an explanation and APS claims that it has made it's owner internal determination that regardless of my excellent credit history, APS feels that a letter of credit or a bond is necessary. APS claims that it does not recognize the build or the property as an asset. Which is total crazy?? APS seems to think that there accounting rules are the only set of rules, regards of the adopted (GAP) accounting practices of the rest of the public companies out there.

I filed a complaint with the corporation commission for abuse of there authority and power on a small business, there is a hearing set for August 21 2008 at the corporation commission. The case number on the matter is E-01345A-08-0268.

I am dealing with a woman by the name of Jennie Vega in the dispute resolution department. It is beyond my comprehension that from a business stand point that APS is going to spend \$14,000 in attorney's fee just to have representation at this hearing. This needs someone at a senior level to make a business decision that makes sense.

8/7/2008

Any assistant you can lend would be greatly appreciated

thanks

Michael Brown

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8/7/2008

PHONE CALL			
FOR	<i>Mike</i>		DATE <i>8/14/08</i> TIME <i>1:15</i> <small>A.M. P.M.</small>
M	<i>Jennie Vega</i>		
OF	<i>APS</i>		
PHONE	<input type="checkbox"/> FAX <input checked="" type="checkbox"/> MOBILE	<i>602-250-2038</i>	
MESSAGE		AREA CODE	NUMBER EXTENSION
<i>Reminded paperwork</i>			
<i>STEVE WHEELER</i>			
SIGNED		Tops FORM 4003	
		<input checked="" type="checkbox"/> PHONED	
		<input type="checkbox"/> RETURNED YOUR CALL	
		<input checked="" type="checkbox"/> PLEASE CALL	
		<input type="checkbox"/> WILL CALL AGAIN	
		<input type="checkbox"/> CAME TO SEE YOU	
		<input type="checkbox"/> WANTS TO SEE YOU	

DOCKET: E-01345A-08-0268
Exhibit 28

Michael Brown

From: Jennie.Vega@aps.com
Sent: Monday, August 18, 2008 11:53 AM
To: Michael Brown
Cc: Thomas.Mumaw@pinnaclewest.com; Melissa.Smith@aps.com
Subject: Formal complaint settlement proposal

Mr. Brown,

As follow up to our August 13, 2008 telephone conversation, APS is proposing the following settlement of your Formal Complaint on file with the ACC:

- o No later than 08/29/08, APS will release \$7,150 of the \$14,275 Irrevocable Letter of Credit currently held as a security on the account for Echo Executives, LLC
- o In April 2009, Echo Executives, LLC may provide APS with updated financials for the business (through March 31, 2009).
- o APS will review the financial statement and provided that (1) the financial situation of the company reveals a positive income for the 12 months ending March 31, 2009 and (2) there are no late payments in the prior 6 months, APS will release the remaining \$7,125 Irrevocable Letter of Credit.

If this proposal is acceptable to you, we propose that the ACC Complaint be held in abeyance until April 2009, at which time you could decide to proceed with the formal complaint process or request it be dismissed.

Jennie Vega | Arizona Public Service Co.

Supv. Rate Administration & Consumer Advocates
Regulation & Pricing Department
Direct 602.250.2038 | Fax 602.250.2048

Email Firewall made the following annotations

--- NOTICE ---

This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

BASED ON APS'S PAST EXAMINATION I AM NOT CONFIDENTIAL
WITH THIS PROPOSAL.

THERE ACCOUNTING METHODS ARE NOT ACCEPTED AS VALID
IN UNDERSTANDING OUR FINANCIALS

8/19/2008

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2008 AUG 22 A 10:12
AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE FORMAL
COMPLAINT OF ECHO EXECUTIVE PARK,
LLC,

DOCKET NO. E-01345A-08-0268

COMPLAINANT,

vs.

ARIZONA PUBLIC SERVICE COMPANY,

RESPONDENT.

PROCEDURAL ORDER**BY THE COMMISSION:**

On May 27, 2008, Echo Executive Park, LLC ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Complaint ("Complaint") against Arizona Public Service Company ("Respondent").

On June 20, 2008, the Respondent filed with the Commission its Answer to the Complaint.

Pursuant to a Procedural Order dated June 20, 2008, a procedural conference was held, at which the parties stated they wished to set the matter for hearing.

IT IS THEREFORE ORDERED that a **Pre-Hearing Conference** shall commence on **October 22, 2008, at 9:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, Room 218, 400 West Congress, Tucson, Arizona, 85701. **The parties may appear telephonically. The telephone number to so participate is 602-771-9952.**

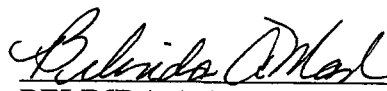
IT IS FURTHER ORDERED that a **hearing** shall be held on **November 5, 2008, at 10:00 a.m.**, at the Commission's office, 1200 West Washington Street, Room 100, Phoenix, Arizona.

IT IS FURTHER ORDERED that the **Complainant and Respondent shall exchange copies of their Exhibits and Witness Lists**, with courtesy copies provided to the presiding Administrative Law Judge, by **October 8, 2008**.

1 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
2 of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and admission *pro*
3 *hac vice*.

4 IT IS FURTHER ORDERED that that the Presiding Officer may rescind, alter, amend, or
5 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
6 hearing.

7 DATED this 21st day of August, 2008.

8
9 
10 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed
12 this 2/5^t day of August , 2008 to:

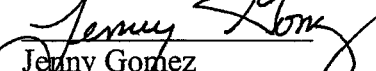
13 Michael D. Brown
14 ECHO EXECUTIVE PARK, LLC
15 15230 North 75th Avenue, Suite 1010
16 Scottsdale, Arizona 85260

17 William Charles Thomson, Esq.
18 GALLAGHER & KENNEDY, P.A.
19 2575 East Camelback Road
20 Phoenix Arizona 85016

21 Janice Alward, Chief Counsel
22 Legal Division
23 ARIZONA CORPORATION COMMISSION
24 1200 W. Washington Street
25 Phoenix, Arizona 85007

26 Ernest Johnson, Director
27 Utilities Division
28 ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2200 N. Central Avenue, Suite 502
Phoenix, Arizona 85004-1481

26
27 By: 
28 Jenny Gomez
Secretary to Belinda A. Martin

ECHO EXECUTIVE PARK, LLC

15230 N. 75th Street, Suite 1010
Scottsdale, Arizona 85260
P) 480 385 6010 F) 480-385-6013

September 17, 2008

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Re: In The Matter of the Formal Complaint
Echo Executive Park LLC v. Arizona Public Service Company
Docket No. E-01345A-08-0268
To be Heard Before the Honorable Belinda A. Martin,
Administrative Law Judge

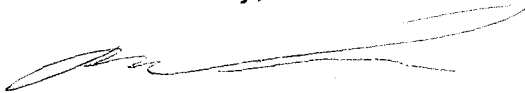
To Whom It May Concern:

Enclosed please find an original copy of the Resolution of Members of Echo Executive Park, a limited liability company, in the above referenced matter as requested by Belinda A. Martin, Administrative Law Judge. In addition, thirteen (13) copies of this Resolution are also enclosed as instructed by your office.

If there is any additional documentation or information required regarding this matter, please advise accordingly.

Thank you.

Sincerely,



Michael D. Brown
Managing Member

/jfc

Enc: As referenced

Resolution of Members
of
Echo Executive Park
A Limited Liability Company

Pursuant to the Operating Agreement of Echo Executive Park, LLC, an Arizona limited liability company, hereinafter "Company" and applicable laws, a meeting of the Members of the Company was held on the 17th day of September, 2008:

The Member(s) adopted the following Resolution:

RESOLVED:

Michael D. Brown, as Member of Arizona Land Group, is authorized to represent and conduct all business and transactions related to the Arizona Corporation Commission Docket No. E-01345A-08-0268 in the Matter of the Formal Complaint against Arizona Public Service Corporation as filed on May 27, 2008.

SO RESOLVED:

There being no further business the meeting was adjourned:

Arizona Land Group LLC, Member

By: 

Its Member

B. Frank Berry Trustee, Member


Its